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Joe Werner  
Telecommunications Chief  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

August 11, 2003

*Re: Approval of the Collocation Agreement Negotiated by Bellsouth  
Telecommunications, Inc. and Tennessee Independent Telecommunications Group, LLC  
d/b/a Iris Networks Pursuant to Sections 251 and 252 of the Telecommunications Act of  
1996.*

Docket No. 03-00443

Dear Mr. Werner:

Please find enclosed the responses you seek in order to fully evaluate the Agreement referenced above.

1. Does the Tennessee Independent Telecommunications Group, LLC d/b/a Iris Networks intend to seek a certificate of convenience and necessity (CCN) pursuant to Tenn. Code Ann. § 65-4-201?

Tennessee Independent Telecommunications Group, LLC d/b/a Iris Networks does not intend to seek a certificate of convenience and necessity (CCN) pursuant to Tenn. Code Ann. § 65-4-201.

2. If so, when will such application be filed? If not, please explain in detail your position that Iris Networks does not need a CCN to operate in Tennessee. Please include appropriate legal justification.

Iris Networks has reviewed Ann. § 65-4-201 and has considered the use of the term Public Utility. Further, Iris Networks has reviewed Ann. § 65-4-101(a) for the definition of Public Utility. Iris Networks does not believe it meets the definition of Public Utility and therefore does not need a CCN to operate in Tennessee.

Additionally, as defined in the Rules of Tennessee Public Service Commission, Division of Public Utilities, Chapter 1220-4-2, Regulations for Telephone Companies, 1220-4-2-.03 Definitions (1) (t) a Telephone Utility is "Any person, firm, partnership, corporate organization, or corporation engaged in the furnishing of telephone service and other Communications Services to the public under the jurisdiction of the Commission". Iris Networks does not believe it meets the definition of Telephone Utility.

Iris Networks does own and operate facilities in the state which consist of network elements, specifically transport facilities using SONET-based fiber optic cable using OC-48/OC192 ring architecture and a switch, specifically a next generation Telica switch translated for use as an Access Tandem and other communications equipment used to carry voice and data traffic across LATA boundaries. While it is true Iris Networks does own facilities in the state the services provided by Iris Networks are not dedicated to the public use and Iris Networks is not engaged in the furnishing of telephone service and other Communications Services to the public. We offer services to a class of users – carriers. And by providing our services to carriers, our services are effectively available to the general public. It is our carrier customers, however, that obtain the CCN to serve the general public. To the point, Iris Networks sells dedicated point-to-point digital transport and broadband transport to competitive local exchange carriers, Internet service providers, facilities based long distance service providers, wireless telecommunications service providers and incumbent local exchange telephone companies.

Although Iris Networks is not currently a provider of intrastate common carrier services, it is a telecommunications carrier under the federal Act. As a telecommunications carrier, we sought interconnection services from BellSouth pursuant to Section 251 of the Act and now present the above referenced Agreement for state approval pursuant to Section 252.

Iris Networks does not preclude the possibility that it may someday expand its service offerings and come back to the TRA to seek authority to provide service to the public. Iris Networks respectfully request the Commission provide a written response concurring that Iris Networks does not currently require a CCN to operate in Tennessee. Iris Networks would be happy to provide any additional information the Commission requires.

Respectfully submitted,

*Ellen Bryson*  
TKF

Ellen Bryson  
Chief Manager  
Iris Networks

Cc: Mr. C.D. Mundy ✓  
Mr. Guy Hicks